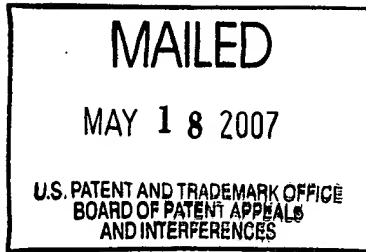


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ALVARO J. LAGUNA  
and  
CAREY V. CAMPBELL

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Application 09/384,900

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on March 6, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

**BACKGROUND**

An Order Returning Undocketed Appeal to Examiner was mailed on March 16, 2006. The Order requested that the examiner vacate the Supplemental Examiner's Answer dated October 3, 2005, and file a new

Supplemental Examiner's Answer which included the Technology Center Director's approval. A new Supplemental Examiner's Answer was mailed on May 19, 2006, which complied with the Order.

### **SUPPLEMENTAL EXAMINER'S ANSWER**

A review of the Supplemental Examiner's Answer mailed May 19, 2006, however, reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In accordance with MPEP § 1207.02, a section entitled "Evidence Relied Upon" (section 8) is required and should include:

#### **(8) Evidence Relied Upon**

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Appropriate correction is required.

### **REPLY BRIEF**

A Reply Brief was filed on June 30, 2006. According to the Patent and Trademark Office records (PALM Intranet), a communication acknowledging receipt and consideration of the Reply Brief was mailed on September 18, 2006. This communication is missing from the IFW.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to issue a PTOL-90 citing all of the references used to reject the claims on appeal ;

2) to forward a copy of the Examiner's Acknowledgement of Reply Brief for scanning into the IFW file; and

3) for such further action as may be appropriate.

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

By: *Patrick J. Nolan*  
PATRICK J. NOLAN  
Deputy Chief Appeal Administrator  
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PJN/psb

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